

Ryan M. Shannon

From: Yeager, Jay <Jay.Yeager@faegrebd.com>
Sent: Friday, June 29, 2018 12:01 PM
To: Ryan M. Shannon
Cc: Giffin, Matt; Mappes, Harmony A.
Subject: RE: Chen response report deadline

Ryan,

You have correctly summarized our agreement.

As we briefly discussed yesterday, Prof. Chen has supplied the code that he used to prepare his report. I do appreciate your efforts to work through with me the issues your experts described, and to consider the additional technical matters you and I discussed informally. At this point however it appears Prof. Chen has nothing more to produce in the way of code, so the ten-day period you describe below should commence.

Thanks very much.

Jay

From: Ryan M. Shannon [mailto:RShannon@dickinson-wright.com]
Sent: Thursday, June 28, 2018 11:32 AM
To: Yeager, Jay <Jay.Yeager@faegrebd.com>
Subject: Chen response report deadline

Jay,

I understand you are still discussing our proposal from Tuesday. Briefly—we plan to file our expert reports on time on Friday with one exception—a report that is specific to Dr. Chen’s analysis and which was intended, among other things, to review and analyze his source code (for now, I’ll call this simply the “Code Report.”) The proposal would be to allow for service of the Code Report within a 10-day response period once the source code is provided and acknowledged by us, or once you advise that no further code will be provided. It would also include allowing Dr. Chen’s deposition after the close of discovery, at the end of August or in the first week of September (to accommodate additional time for the Code Report and Plaintiffs’ filing of a Code-Report-specific rebuttal after 28 days.)

Though we do not necessarily need to have a mutual approach ironed out by this Friday’s deadline, I do want to put in writing our understanding that while the above-stated proposal is considered, Defendant will not be required to file the aforementioned Code Report by tomorrow’s deadline. From our phone call on Tuesday, I understood you were amenable to and were permitting, initially, a short term extension on that report until we have further discussed how to proceed.

Please advise if any of the above is inconsistent with your understanding of our call on Tuesday.

Regards,
Ryan

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